

MECKLENBURG COUNTY HEALTH ORDINANCE RULES GOVERNING CHILD DAY CARE HOMES

Be it ordained by the Mecklenburg County Board of County Commissioners (while exercising the powers of the Board of Health, which powers it has assumed and conferred upon itself by action taken pursuant to G.S. 153A-77), that the following regulations for the protection of public health and safety are hereby adopted pursuant to Chapter 130A-39(a) of the General Statutes of North Carolina, and shall apply throughout Mecklenburg County, North Carolina, including, but not limited to all cities and towns whether incorporated or unincorporated.

SECTION 1: PURPOSE

The following rules are enacted for the purpose of protecting the health and safety of children receiving child care away from their own homes in Mecklenburg County. This is accomplished by establishing minimum health and safety standards to be met by individuals providing care for up to 5 children in residential settings. The information contained in the inspection reports will also be useful to parents seeking to make informed decisions about new childcare arrangements.

SECTION 2: DEFINITIONS

- (a) "Approved" means determined by the Director to be in compliance with this Ordinance.
- (b) "Board of Health" or "Board" means the Mecklenburg County Board of County Commissioners acting as the Board of Health pursuant to North Carolina General Statute 153A-77.
- (c) "Child Day Care" means any child care facility, except seasonal recreational programs operated for less than four consecutive months in a year, wherein three or more children less than 13 years old receive care away from their own home by persons other than their parents, step parents, grandparents, great grandparents, aunts, uncles, great aunts, great uncles, brothers, sisters, first cousins, guardians, or full-time custodians, or in the child's own home where other unrelated children are in care. Child day care does not include facilities that provide only drop-in or short-term child care for parents participating in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term child care offered in health spas, bowling alleys, shopping malls, resort hotels, and churches.
- (d) "Child Day Care Home" means any day care program or child care facility wherein any person not excluded in Section 2(c) provides day care on a regular basis of at least once per week for more than four hours per day for more than two children under 13 years of age but not to exceed a maximum of eight children at any one time, wherever operated, and whether or not operated for profit. Of the children present at any one time, no more than five children shall be pre-school aged. The four hour time limit applies regardless of the time of day and regardless of whether the same or different children attend. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment are not included. To determine whether a child care facility is a child day care home, all children shall be counted except the operator's own school-aged children and school-aged children who reside at the location of the child day care home.
- (e) "Director" means the Health Director for Mecklenburg County. The term also means the authorized representative of the Director.
- (f) "Locked" means locked with a key that is stored in a location separate from the lock, or with a combination lock.
- (g) "Preschool-aged child" means any child who has not reached the age of five years on or

before October 16 of the current school year and who is not eligible to attend a public or private grade school or kindergarten based on the State's age requirement.

(h) "Potentially hazardous food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including *Clostridium botulinum*. This term includes raw or heat treated food of animal origin, raw seed sprouts, and treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity (Aw) value of 0.85 or less.

(i) "Single-service article" means tableware, including flatware and hollowware, carry-out utensils and other items such as bags, containers, stirrers, straws, toothpicks, and wrappers which are designed, fabricated, and intended by the manufacturer for one-time use.

(j) "Single-use article" means bulk food containers and utensils intended by the manufacturer to be used once and discarded. The term includes items such as formed buckets, bread wrappers, pickle barrels, and tin cans. The term does not include single-service articles as defined in this Section.

(k) "Solid waste" means any garbage, rubbish, refuse, or other material resulting as a by-product of some process or activity. The term does not include sewage or waste classified as hazardous.

SECTION 3: REGISTRATION/OPERATION PERMIT

(a) All child day care homes as defined in Section 2 of this Ordinance shall be in compliance with applicable state and local regulations, including registration with the North Carolina Division of Child Development if applicable, and shall obtain a permit to operate from the Mecklenburg County Health Department prior to beginning operation. An operation permit shall be valid for 12 months from the first day of the month the permit is issued.

(b) Each child day care home provider shall make application for an operation permit with the Mecklenburg County Health Department on an annual basis. Application shall be on forms provided by the Director. A fee in an amount determined by the Board shall be submitted with the application.

(c) Each registered home shall allow representatives of the Mecklenburg County Health Department and any other appropriate governmental agency to inspect its facilities to ensure compliance with the provisions of this ordinance. Each provider shall allow access to the home, staff, and records at reasonable times during the provider's regular business hours. If the time selected for inspection by the director proves to interfere with the normal operation of the home, the inspection may take place, but the provider may have the option of requesting an appointment at another time for discussion of possible deficiencies and inspection of records.

(d) Proper registration shall be completed and a permit obtained prior to advertising the center as a child day care home.

SECTION 4: BUILDING CODE REQUIREMENTS

(a) The operator shall maintain written documentation indicating the facility complies with the North Carolina State Building Code, Volume I - General Construction (1996 edition), Section 418, and Volume VII - Residential, One and Two Family Dwelling; or, that the facility is a manufactured home bearing a third party inspection label certifying compliance with the Federal Manufactured Home Construction and Safety Standards or certifying compliance with construction standards adopted and enforced by the State of North Carolina.

(b) Manufactured homes shall be installed in accordance with North Carolina

Manufactured/Mobile Home Regulations published by the North Carolina Department of Insurance.

(c) Child day care homes operated in single-wide manufactured homes will be limited to a maximum of three preschool-aged children (not more than two may be two years of age or less) and two school aged children.

SECTION 5: ZONING REQUIREMENTS

The operator shall maintain written documentation indicating the facility complies with all applicable zoning requirements for its intended use.

SECTION 6: FOOD SUPPLIES AND PROTECTION

(a) Food shall be wholesome; free from spoilage, filth or other contamination; and safe for human consumption.

(b) If milk is provided for drinking it shall be Grade A pasteurized fluid milk. Reconstituted, powdered milk may be used only for cooking purposes and flavored hot beverages, unless otherwise prescribed by a physician.

(c) Formula and mother's milk served in baby bottles shall be prepared and labeled with the individual child's name at the child's home and provided daily to the care giver by the parents or guardians.

(d) Baby food shall be labeled with the individual child's name and the date opened. All unused, opened baby food shall be discarded 48 hours after opening. Baby food and juice shall be refrigerated after opening. All unused formula, mother's milk, and juice sent from home shall be returned to the parent at the end of each day and shall not be reused by the child day care home operator.

(e) All foods shall be protected from contamination while being stored, prepared, served, or during transportation. Containers of food shall be stored above the floor in such a manner as to be protected from splash and other contamination.

(f) All perishable foods shall be stored at such temperature as will protect against spoilage. All potentially hazardous foods shall be maintained at safe temperatures (45°F or below, or 140°F or above) except during brief periods of preparation and serving.

(g) Frozen foods shall be kept at such temperatures as to remain frozen, except when being thawed for preparation or use. Potentially hazardous foods shall be thawed at refrigerator temperatures of 45°F or below or under running water no warmer than 70°F, quick-thawed as part of the cooking process, or thawed by other methods approved by the Director.

(h) An indicating thermometer shall be located in each refrigerator.

(i) Raw fruits and vegetables shall be washed thoroughly before use.

(j) Stuffings, poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked before being served. Salads made from meat, poultry, potatoes, fish, shellfish, or eggs, and other potentially hazardous foods shall be prepared, preferably from chilled products, with a minimum of manual contact and on clean surfaces and with clean utensils.

(k) Individual portions of food once served shall not be served again.

SECTION 7: PROVIDERS

Providers shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. They shall wash their hands thoroughly before starting work, after diaper changing activity, before beginning food preparation, and as often as may be

necessary to remove soil and contamination. No provider shall resume work after visiting the toilet without first washing his/her hands.

SECTION 8: FOOD SERVICE UTENSILS AND EQUIPMENT

(a) All food service and eating and drinking utensils and equipment shall be in good repair, free of corrosion, and kept clean.

(b) Clean utensils shall be stored in a clean place.

(c) Single-service articles shall be properly stored in a clean place or sealed container, handled in a sanitary manner, and discarded after initial use.

(d) Single-use articles may be re-used for food storage after being thoroughly cleaned, but shall not be used for heating foods.

(e) Each child shall have a clean drinking cup properly identified by label, color, or other method approved by the Director. Common drinking cups shall not be used.

SECTION 9: WATER SUPPLIES

(a) The home shall use either a public water supply or a water supply that is located, constructed, maintained, and operated in accordance with Title 15A North Carolina Administrative Code, 18A .1700 "Protection of Water Supplies" which is adopted by reference and includes subsequent changes or additions.

(b) A water sample from a private water supply shall be collected by the Director and submitted to an approved laboratory for bacteriological examination at least once per year.

(c) Each home shall have hot and cold running water under pressure piped to all points of use; however, hot water shall not be required at hose bibs. Hot water to those areas accessible to children shall not be less than 90°F and shall not exceed 110°F.

(d) Plumbing shall be kept in good working condition.

SECTION 10: LIQUID WASTES

Sewage shall be disposed of in an approved, properly operated sanitary sewage system.

SECTION 11: SOLID WASTES

(a) Solid wastes containing food scraps or other decaying food materials shall be kept in durable, rust-resistant, nonabsorbent, water-tight, rodent-proof, containers. Containers shall be covered with tight lids when filled or stored or not in continuous use. Lids are not required for garbage containers in use indoors. Refuse including scrap paper, cardboard boxes and similar items shall be stored in containers or designated areas approved by the Director.

(b) Solid wastes shall be discarded with sufficient frequency and in such a manner as to prevent insect breeding and public health nuisance.

SECTION 12: TOILETS

(a) All toilet fixtures shall be clean and in good repair. Toilet rooms shall be kept free of storage.

(b) Training chairs, if used, shall be emptied through the sewage system, cleaned, and sanitized after each use.

SECTION 13: LAVATORIES

(a) Lavatories shall be located to comply with the appropriate handwashing requirements of these

Rules, easily cleanable, clean, in good repair, and kept free of storage. Lavatories shall be mounted at an appropriate height to accommodate the children, or otherwise made accessible.

(b) All lavatories shall be equipped with hot and cold running water through mixing faucets. Hot water at faucets accessible to children shall not be less than 90°F nor greater than 110°F.

(c) An antibacterial soap shall be provided at each handwash lavatory area.

(d) Each child shall have a clean towel available for hand drying.

SECTION 14: DIAPERING AND DIAPER CHANGING FACILITIES

(a) Each child in diapers shall be changed while the child is in his/her own crib or bed or on a smooth, nonabsorbent, easily cleanable surface. Diapering surfaces shall be kept clean and free of storage. A solution of 100 ppm (parts per million) chlorine, or other equivalent method approved by the Director, shall be used for sanitizing common changing surfaces after each diaper change. A suitable testing method or kit shall be available, convenient, and used daily to insure compliance with the minimum prescribed sanitizer strength. This sanitizer shall be used from a labeled spray bottle.

(b) The use of disposable latex gloves by care givers during the diaper changing process is required if the worker has cuts or sores on hands or burned or bandaged hands. Gloves used while changing a child's diaper shall not be used for subsequent diaper changes with that or any other child, but shall be discarded immediately in a covered, plastic-lined receptacle.

(c) Care givers shall not rinse soiled cloth diapers. Soiled cloth diapers shall be placed in a tightly closed plastic bag or other container approved by the Director and sent daily to the child's home or a diaper service to be laundered.

(d) Pre-moistened disposable towelettes or disposable towels shall be used for cleaning the children during the diaper changing process. Soiled disposable diapers and disposable towels or towelettes used while changing a child's diaper shall not be used for subsequent diaper changes with that or any other child, but shall be discarded immediately in a covered, plastic-lined receptacle.

(e) Caregivers shall wash their hands vigorously for at least 15 seconds using an antibacterial soap and running tempered water after changing any child's diaper.

(f) The child's hands shall be washed after each diaper change.

SECTION 15: ANIMAL & VERMIN CONTROL: PREMISES

(a) Pets shall not be allowed in any room or area in which food is prepared or stored. Pets, unless caged and restricted from the immediate eating area, shall not be allowed in any room or area in which food is served.

(b) All household pets and animals shall have current rabies vaccinations as required by state law and local ordinances; documentation shall be maintained by the operator and provided to the Director upon request.

(c) Effective measures shall be taken to keep insects, rodents, and other vermin out of the child day care home facility and to prevent their breeding or presence on the premises.

(d) Only those pesticides which have been properly registered with the appropriate federal regulatory agency and the North Carolina Department of Agriculture shall be used. Pesticides shall be used in accordance with the direction on the label and shall be stored in a locked storage room or cabinet separate from foods and medications.

(e) The premises, including the outdoor play area, shall be kept clean, drained and free of litter and hazardous materials. Grass and other vegetation shall be maintained in a manner which does

not encourage the harborage of vermin.

- (f) All food for pets and animals shall be stored inside the home, or in a water-tight, rodent proof container with a tight fitting lid.

SECTION 16: STORAGE; MISCELLANEOUS

(a) Rooms or spaces shall be provided for the storage of necessary equipment, furniture, toys, clothes, beds, cots, mats, and supplies and shall be kept clean.

(b) All corrosive agents, insecticides, rodenticides, herbicides, bleaches, detergents, polishes, items containing petroleum products, any product which is under pressure in an aerosol dispensing can, and any substance which may be hazardous to a child if ingested, inhaled, or handled (skin contact) shall be stored in a locked storage room or locked cabinet. Cigarette lighters, matches, and similar items which could pose a fire hazard shall be kept where children cannot reach them.

(c) All medications shall be stored in a locked cabinet or box separate from other items required to be kept locked.

(d) Equipment and supplies such as lawnmowers, power tools, firearms, ammunition, and nails shall be stored in an area where children are not allowed to play.

(e) Toxic plants shall be stored out of reach of children or in locked storage when pre-school aged children are in care.

(f) Rags, paper, and other flammable materials shall be kept away from heat.

(g) Rooms or areas which are not to be used by children shall be locked, or otherwise separated by use of an effective barrier.

(h) All family day care homes shall be equipped with a smoke detector. The smoke detector shall be maintained in working order at all times.

(i) There shall be a five pound dry chemical fire extinguisher (Type ABC), approved by Underwriters Laboratories, in the home day care facility at all times. The fire extinguisher shall be maintained in good working condition.

SECTION 17: BEDS, LINEN, AND FURNITURE

(a) A separate bed, cot, or mat, equipped with individual linen, shall be assigned and labeled for each child in care for more than four hours to use during rest periods; if a mat is used, it shall be of a waterproof, washable material at least two inches thick and shall be folded so that the floor side does not touch the sleeping side when not in use. Beds and linen used by members of the household of the operator shall not be used for children receiving care in the child day care home. Placement of beds, cots, or mats shall allow a reasonable distance between children's heads and a walking space between beds, cots, or mats to allow access by staff members to each individual child.

(b) If beds, cots, mats, and linens are provided for school children who are cared for only during after-school hours, individual linen and a separate labeled bed, cot, or mat shall be provided for each child.

(c) All beds, cots, and mats shall be in good repair, properly handled and stored, and kept clean.

(d) Each child under 12 months of age shall be provided with a crib or other approved equipment.

(e) Furniture shall be kept clean and in good repair.

(f) Equipment and toys provided by the facility shall be kept clean and in good repair. Mouth-contact surfaces shall be sanitized at least daily and more frequently if necessary.

(g) Toys, furniture, cribs, or other items accessible to children, shall be free of peeling, flaking,

or chalking paint.

SECTION 18: FLOORS, WALLS, AND CEILINGS

- (a) All floors shall be kept clean and in good repair.
- (b) Floors in areas accessible to children shall be free of peeling, flaking, or chalking paint.
- (c) The walls and ceilings of all rooms and areas shall be kept clean and in good repair.
- (d) Walls and ceilings, including doors and windows, in areas accessible to children shall be free of peeling, flaking, or chalking paint.

SECTION 19: SWIMMING AND WADING POOLS

(a) Swimming and wading pools if used by children receiving care in the home day care center, shall be designed, constructed, operated, and maintained in accordance with the North Carolina Rules Governing Swimming Pools, 15A North Carolina Administrative Code 18A .2500 which are incorporated herein by reference, including future changes and modifications.

(b) Any swimming pool or wading pool installed at the child day care home facility shall be separated from the playground area used for the child day care home by a fence, or other effective barrier as determined by the director. A residence shall not comprise any portion of the barrier unless all doors and windows that a child could use to access the pool area are self-closing and positive latching.

(c) Unfiltered and nondisinfected containments of water shall not be utilized for water recreation activities. Swimming and wading pools, if present, shall be permanent structural features of the facility.

SECTION 20: INSPECTIONS AND COMPLIANCE

(a) The Director shall conduct an inspection of any child day care home at least once per year.

(b) The Director shall indicate on the Sanitation Evaluation Form for Child Day Care Homes the total number of demerits the facility received during the inspection. This inspection form shall be maintained on the premises of the facility and shown to current or prospective clients upon request.

SECTION 21: FALSE INFORMATION

It shall be unlawful for any provider, employee, or assistant of any provider to knowingly and intentionally provide false information or to knowingly and intentionally fail to provide information pursuant to the terms of these regulations.

SECTION 22: PENALTIES AND REMEDIES

(a) Any person who knowingly violates either Section 3 or Section 21 of this Ordinance shall be guilty of a misdemeanor in accordance with NCGS 14-4 and punished by a fine not to exceed five hundred dollars (\$500.00).

(b) The Director may bring a civil proceeding in the Mecklenburg County Superior Court to enforce the provisions of this Ordinance in accordance with Article 1 Part 2 of Chapter 130A of the General Statutes of the State of North Carolina.

SECTION 23: SEVERABILITY

If any provision or clause of these regulations shall be declared invalid, such declaration shall not invalidate any other provisions or clause of these regulations.

SECTION 24: PRIOR RULES REPEALED

All ordinances, rules and regulations heretofore adopted by the Mecklenburg County Board of Health regulating child day care homes are hereby repealed.

SECTION 25: EFFECTIVE DATE

These regulations shall be in full force and effective from and after May 18, 1999.